

Charges dropped against homeowner who killed teen

Defendant said he had been attacked by car prowler

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Buy this photo Sean Doucette, left, with his attorney Steven Thayer, walks from Judge Daniel Stahnke's courtroom this afternoon after charges of second-degree murder against him were dismissed. ([Troy Wayrynen](#)/The Columbian)

A Clark County judge today dismissed all charges against a Vancouver homeowner who shot and killed an alleged car prowler in January 2013.

Superior Court Judge Dan Stahnke dismissed a second-degree murder charge against Sean H. Doucette at the request of prosecutors.

"This has had a very damaging impact on his life," Doucette's attorney, Steven Thayer, said Wednesday. "He had to go to considerable expense to defend himself and to redeem himself, and essentially, he had to prove his innocence, which he has done."

Doucette shot and killed Iosif Dumitrash, 19, of Portland just before 4 a.m. Jan. 29, 2013, in the 14800 block of Northeast 33rd Street.

Doucette, an honorably discharged Marine, said that after getting off work from his job as a security guard, he returned home and saw Dumitrash breaking into a vehicle across the street, according to Thayer, Doucette's private defense attorney. Doucette said he confronted the man, the man attacked him, and he shot Dumitrash in self-defense, Thayer said. Doucette never made a statement to police, said Deputy Prosecutor Anna Klein.

A witness in the case, neighbor Rachelle Ammons, originally told Vancouver police that Doucette and Dumitrash had engaged in a physical altercation, then separated, according to a probable cause affidavit by Vancouver police Detective John Ringo. Ammons said Dumitrash was beginning to walk away when Doucette shot him, according to the affidavit.

However, during a subsequent interview with Thayer, Ammons gave a different account of what happened that night. She said that, in fact, Doucette had shot Dumitrash in self-defense when Dumitrash charged at him, Klein wrote in a dismissal motion.

Ammons "clarified that the deceased was the aggressor, that he was being vulgar, attacking Sean and going for his gun," Thayer said.

Klein wrote that she confirmed with Ammons on Feb. 6 that her testimony would "remain consistent with the new statement."

"We don't know why her story changed," Klein said Wednesday. "We charged it based on her original statement, and we don't know why it changed."

Just five hours after Ringo signed off on the probable cause affidavit at 3:15 p.m. Jan. 29, 2013, the Clark County Medical Examiner's Office released Dumitrash's autopsy report. The report stated that Dumitrash died of gunshot wounds to the chest.

He was shot at close range, between 15 inches and 4 feet away and had a blood alcohol content of 0.25, at the time of death, according to test results from the Washington State Patrol Crime Laboratory. The legal limit for driving is 0.08.

Thayer said that the probable cause affidavit omitted Doucette's wife's account of the shooting "that the deceased was the aggressor and was attacking Sean and going for his gun when the fatal shots were fired."

"Weapon retention is a priority in self-defense," Thayer said. "All law enforcement, security guards and the military are trained that whatever you do, don't let the assailant get your weapon, or the assailant could use it against you."

Doucette's wife, Rachel, in repeated calls to 911, told dispatchers that her husband was defending himself.

"I just called 911 about a guy trying to break into a car, and he just attacked my husband, and my husband had to shoot him," she said in a panicked voice, according to a recording of the call. "My husband was talking to him in the street and the guy, he just charged at my husband. ... My husband said, 'Get down on the ground. Stop.' And the guy just charged at him."

Thayer said his private investigator, Gary Rice, also located another neighbor who claimed a man with an Eastern European accent had attempted to break into his home just moments before the shooting. (Dumitrash was the youngest in a family of 11 children that immigrated from the Eastern European country of Moldova when he was a baby, according to Dumitrash's family members.)

Dumitrash's family has said he was visiting friends in Vancouver that night. They were not present at Wednesday's court hearing.

Dumitrash had no criminal history in Clark County. However, The Oregonian reported on April 13 that Dumitrash was an "associate" of a burglary ring in Portland that "single-handedly drove up crime

statistics” in the city. The ring was made up mostly of Eastern European immigrants, the newspaper reported. Thayer pointed out the article in a court memorandum Wednesday in support of the dismissal of charges.

Portland police spokesman Sgt. Greg Stewart said he isn't familiar with the burglary ring case. However, generally, “associate” doesn't mean a suspect or person of interest, Stewart said.

Doucette's case languished in the justice system for 14 months before it was dismissed.

Thayer said the case took time because he couldn't begin his investigation until the state had filed the case. The investigation took time, particularly because of long waits for test results from the state crime laboratory, he said.

After charges were dismissed, Doucette left the courtroom with his wife and other family members. One relative was sobbing in apparent relief. Doucette said he was feeling “OK” but did not have additional comment at this time. His wife, Rachel, did not return a follow-up phone call from The Columbian on Wednesday afternoon.

Doucette has been out of jail since Jan. 31, 2013, after posting \$250,000 bail.

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